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Total number of pages including cover letter: 8To: **Petitions Attorney Charlema
Grant
U.S. Patent and Trademark Office**Date: **March 20, 2006**Facsimile No.: **(571) 273-8300**Telephone No.: **(571) 272-3215**From: **William P. Ramey, III**

USSN.: 09/766,043

Client/matter number: **2001-690 US PD**Group Art Unit: **1653**

Message/Comments:

Faxed by: WRDate: 3/20/06Time: 9:40

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

SHEPARD, SCOTT T.

Serial No.: 09/766,043

Filed: January 19, 2001

For: METHODS AND COMPOSITIONS
FOR EXTRACTING PROTEINS FROM
CELLS

Examiner: Abdel Mohamed

Group Art Unit: 1653

Attorney Docket No.: 2001.690 US PD

CERTIFICATE OF TRANSMISSION

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Commissioner for Patents (Fax No. 571-273-8300 on the date shown below).3/20/06
Date

Signature

Name (Type/Print)

REQUEST FOR RECONSIDERATION OF PETITION UNDER
37 CFR §1.181 TO CORRECT APPLICATION PAPERS FILED ON JUNE 13, 2005Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Petitioner respectfully requests reconsideration of the petition under 37 CFR §1.181 to correct application papers filed on June 13, 2005 ("underlying petition") for the referenced application. Petitioner is submitting the additional information as required by the Office of Petitions in the following Background and Remarks.

BACKGROUND

1. On or about June 13, 2005, the underlying petition was filed with the Office of Petitions at the USPTO.
2. On or about March 10, 2006, the Office of Petitions issued a Decision on the underlying

Serial No. 09/766,043

petition dismissing the petition. The Office acknowledged that Petitioner had properly outlined the mail handling procedures of Petitioner's attorney's office, but asserted that there was no explicit statement that a search of the file records and docket records indicated that the Notice to File Missing Application Papers ("Office communication") was not received by petitioner's attorney or his office.

3. Accordingly, Petitioner is hereby submitting the Second Declaration of William P. Ramey, III, attorney in charge of filing the underlying petition, to correct the alleged defects in the petition and respectfully requests reconsideration and grant of the underlying petition.

4. Petitioner's request for reconsideration of the underlying petition incorporates by reference the underlying petition as if it were presented in its entirety herein. Accordingly, this Request for Reconsideration will not restate all of the background facts, as the background facts are fully presented in the underlying petition.

ARGUMENT

The Second Declaration of William P. Ramey, III establishes that the Notice to File Corrected Application Papers ("Office communication") of February 18, 2003 was not received by Petitioner's attorney and further that a review of the docket records for USSN 09/766,043 indicates that the Office Communication was not received. This Petition specifically asserts that (1) the Office Communication of February 18, 2003 was not received by Petitioner's attorney; (2) a search of the file jacket and docket records indicate that the Office Communication was not received; and, (3) a copy of the docket records upon which the Office Communication would have been logged had it been received is attached as Exhibit A to the Second Declaration of William P. Ramey, III. (See Second Declaration of William P. Ramey, III, ¶s 2-5). Accordingly, Petitioner has complied with the requests of the Office and respectfully requests that the underlying petition is granted and that application 09/766,043 be properly examined.

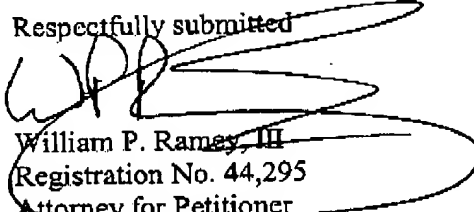
Petitioner further requests, pursuant to MPEP 2730, an adjustment of the patent term commensurate with the serious delay in the examination of USSN 09/766,043.

Serial No. 09/766,043

CONCLUSION

Should the Office have any further questions, the Office is respectfully requested to contact Petitioner's attorney at the number or address below.

Respectfully submitted



William P. Ramey, III
Registration No. 44,295
Attorney for Petitioner

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P.O. Box 2550
Salt Lake City, Utah 84110-2550
Telephone: 801-532-1922

Date: March 20, 2006

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Date

Signature

Name (Type/Print)

Assistant Commissioner of Patents
Arlington, VA 22313

SECOND DECLARATION OF WILLIAM P. RAMEY, III

1. I hereby declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 17 U.S.C. §1001 and that such willful false statements may jeopardize the validity of the captioned application or any patent issued thereon.
2. My name is William P. Ramey, III. I was the attorney in charge of filing the petition under 37 CFR §1.181 to correct application papers filed on June 13, 2005 ("the underlying petition") for USSN 09/766,043.

Serial No.09/766,043

3. I have been informed that the Office Dismissed the underlying petition because the petition failed to allege that a search of the file jacket and docket records indicated that the Notice to File Corrected Application Papers ("Office Communication") of February 18, 2003 was not received by Petitioner's attorney.
4. I specifically state that appropriate policies and procedures existed at or about March 2003 to process the mail at my former office and that I have searched the file records and docket records for USSN 09/766,043. The search of the file jacket and docket records for USSN 09/766,043 indicates that the Office Communication was not received.
5. Accordingly, (1) the Office Communication of February 18, 2003 was not received by me or my former office; (2) a search of the file jacket and docket records indicate that the Office Communication was not received; and, (3) I have attached a copy of the docket records upon which the Office Communication would have been logged (in the List of Action) had it been received as Exhibit A to this Declaration. I marked through material unrelated to the filing of documents.


William P. Ramey, IIIDate 

Serial No.09/766,043

EXHIBIT A

Country Application

Friday, March 17, 2006

Case Number: ORG-2001.690	Country: US	SubCase: PD
Client: Diosynth Inc. RTP	United States of America	
Case Type: PRI	Application Status: Transferred	
Application Number: 09/766043	Filing Date: 19-Jan-2001	
Publication Number:	Publication Date:	
Patent Number:	Issue Date:	
Parent/PCT Number:	Parent/PCT Date:	
Parent Issue Number:	Parent Issue Date:	
Spc Number:	Spc Date:	
Agent: AKZOD	Expiration Date:	
Akzo Nobel Inc. (Dobbs Ferry)	PTA: 0	
Agent Reference No.:	Tax Schedule: LE	
Claims:	RMA Date:	
Tax Start Date:	Confirmation #:	
	CNumber:	

Remarks:

6/13/2005 - Filed Petition Under 37 CFR 1.181 to Correct Application Papers of June 13, 2005.

List Of Actions

Action(s) Due	Due Date		Action Taken
Decision Foreign Filings 2 MTH	19-Nov-2001	Reminder	10-Jun-2002
Foreign Filing 1 MONTH	19-Dec-2001	Due Date	10-Jun-2002
Foreign Filing 8 DAYS TILL	10-Jan-2002	Due Date	10-Jun-2002
Foreign Filing FINAL	19-Jan-2002	Final	10-Jun-2002

Letter History

Letter Description	Last Printed On	Printed By
ABANDON APPLICATIONS	21-Nov-2003	GEMERT
ABANDON PATENTS	10-Feb-2004	GEMERT